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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
MARINEMAX NORTHEAST, LLC	
	ECF
Plaintiff,	Docket No.: 16 CV
- against -	COMPLAINT FOR A DECLARATORY JUDGMENT
DEBORAH HAVERTY-KRASS,	
Defendant.	
-----X	

Plaintiff, MARINEMAX NORTHEAST, LLC ("MarineMax") by and through its attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, hereby brings its Complaint for Declaratory Judgment against Deborah Haverty-Krass and alleges upon information and belief as:

NATURE OF THE ACTION

1. This is a declaratory judgment action pursuant to 28 U.S.C. Sections 2201 and 2202 seeking a declaration for the disposal of a Vessel which has been abandoned and is a nuisance upon the property owned by plaintiff MarineMax.

THE PARTIES

2. Plaintiff MarineMax, was at all times hereinafter mentioned the owner of and in possession of a marina located at 846 Wellwood Avenue, Lindenhurst, New York and was at all times material and still is entitled to recover storage fees from all vessels stored whether lying at the dock or in drydock.
3. Upon information and belief, Deborah Haverty-Krass (hereinafter "Defendant") is an individual residing at 35 Lee Avenue, Babylon, New York.

JURISDICTION AND VENUE

4. This Complaint arises under the Rule 9(h) of Federal Rules of Civil Procedure and constitutes an admiralty and maritime claim and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.
5. This Court has personal jurisdiction over of Defendant because defendant's principal residence is located in Suffolk County, New York.
6. Venue is proper in this District under 28 U.S.C. Section 1333.

FACTS

7. Defendant was a former employee of MarineMax and stored her 25' Chris Craft, Registration Number NY 3728 PH, New York Department of Motor Vehicles Boat Registration Number 50191782 ("Vessel") at MarineMax's marina located at 846 South Wellwood Avenue, Lindenhurst, New York.
8. Defendant agreed to pay MarineMax for the drydock / land storage of the Vessel.

9. The agreed price and charges for the storage of the Vessel was \$1,875.00 for the 5 month summer land storage and \$1,875.00 plus tax for the land storage covering the period from June through October – year - .
10. Defendant failed to pay land storage invoices for the 5 Month Summer and land storage for June through October, year
11. MarineMax has demanded payment from Defendant and storage charges remain unpaid.
12. MarineMax has demanded Defendant remove the Vessel from the marina and the Vessel remains at the marina.
13. Defendant failure to remove the Vessel from MarineMax's marina has created a nuisance.
14. Defendant, and any person who has, or may claim ownership of said the Vessel, has abandoned said Vessel.
15. Plaintiff seeks a Declaratory Judgment allowing it to remove and dispose of said Vessel from its premises.

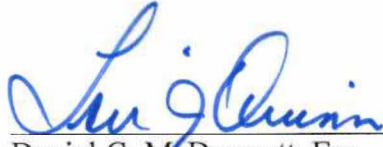
WHEREFORE, plaintiff prays:

1. That a Declaratory Judgment be issued in its favor that the Vessel is declared and adjudged abandoned by its owners;
2. That a Declaratory Judgment be issued in its favor permitting plaintiff to remove and dispose of the Vessel from its marina property; and
3. The plaintiff may have such other and further relief as the court and justice may deem just and appropriate under the circumstances of the cause.

Dated: New York, New York
October 12, 2016

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
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By:



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